

# **Management Committee**

## **17th April 2018**

### **Acquisition and Leasing of Officers Field Portland**

*Appendices 2 and 3 are not for publication by virtue of paragraph 3 of Schedule 12A, Part 1 of The Local Government Act 1972, as amended. The public interest in maintaining the exemption outweighs the public interest in disclosing it*

## **For Decision**

### **Portfolio Holder(s)/ Briefholder**

Finance and Assets – Jeff Cant  
Community Facilities – Kate Wheller

### **Senior Leadership Team Contact:**

M Hamilton, Strategic Director

### **Report Author:**

Greg Northcote, Estate Manager

### **Statutory Authority**

Legal Power to acquire and dispose of the land – s 120, 123 (2) and s 128 (1)  
Local Government Act 1972 and Circular 06/03 Local Government Act 1972  
General Disposal Consent (England) 2003.

### **Purpose of Report**

- 1 To obtain members authority to progress and complete the proposed purchase of Officers Field, Osprey Quay, Portland.
- 2 To advise of a potential partial letting of Officers Field to Dorset County Council.

### **Recommendations**

- 3 That members approve the acquisition of Officers Field from the Homes and Communities Agency on the terms detailed in the report and the subsequent leasing of the playing field area to Dorset County Council permitting use of the facilities by the adjacent school.

### **Reason for Decision**

- 4 To complete the delivery of a development and the related Section 106 conditions imposed by the Planning Committee. To set up a sustainable management arrangement for this area of public open space.

## **Background and Reason Decision Needed**

- 5 The Council as Local Planning Authority granted planning permission (09/00266/FULMAJ) for the construction of a development of 69 houses and 8 flats on 29th July 2009. A Section 106 Agreement of the same date contracted the then land owner, the South Western Regional Development Agency (SWRDA) now the Homes and Communities Agency (HCA) to transfer their freehold interest in the open space known now as Officers Field to the Council. A Site Plan showing the extent of Officers Field outlined in red is reproduced in Appendix 1. The land is situated between the adjacent primary school and the Officers Field Development.
- 6 The Section 106 Agreement is reproduced in Confidential Appendix 2. In the intervening years SWRDA and more recently the HCA have formed the open space known as Officers Field and in accordance with clause 3.8.6 are now seeking to transfer the freehold interest to the Council. Terms have been agreed for the transfer for nil consideration and payment by the HCA of an increased commuted sum to cover future costs of management and maintenance. These terms are satisfactory to our Parks and Open Spaces Team who have recently accepted that the grounds are now satisfactorily completed sufficient to accept them in their current condition.
- 7 Some time ago the Council and SWRDA were jointly approached by Dorset County Council (DCC) who planned to develop a school on adjacent land. They sought occasional use of the open space as a playing field. All parties agreed in principle that following formation of the open space part of it should be formed as a playing field, fenced and gated and that the school could through DCC enter into an agreement that permitted their use of the playing field.
- 8 Due to the passage of time this agreement has been side lined pending the formation and handover of the open space. So officers have recently supplied a draft Heads of Terms (reproduced in Confidential Appendix 3) documenting a lease between the Council and DCC that would permit underletting to the school. Although the HCA have held the land for several years longer than originally envisaged, the school has not sought to use the land. Officers are now waiting on their response. If terms are agreed then the Council will grant the requisite lease but otherwise the Council will take on the management of the whole area.

## **Implications**

### **Corporate Plan**

- 9 Enhancing the quality of life of people living and working in the borough
- 10 Safeguarding and providing opportunities to enjoy the natural and built environment now and in the future.

## **Financial**

- 11 The Council will receive a sum of £55,000 by way of a commuted future management contribution from the HCA when the land is transferred for nil consideration.

## **Equalities**

- 12 N/A

## **Environmental**

- 13 The provision of long term management arrangements will be settled and the potential leasing will share future responsibilities in respect of the playing field in return for the joint access arrangements described in the draft lease.

## **Economic Development**

- 14 N/A

## **Risk Management (including Health & Safety)**

- 15 N/A

## **Human Resources**

- 16 There will be some officers' time utilised in progressing the proposed transfer and management time thereafter for the Parks and Open Spaces Section.

## **Consultation and Engagement**

- 17 Consultation as described in the report and leading up to the grant of planning consent.

## **Appendices**

Appendix 1 - Site Plan  
Confidential Appendix 2 – Section 106 Agreement  
Confidential Appendix 3 – Draft Heads of Terms of lease to DCC

## **Background Papers**

N/A

## **Footnote**

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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**Date:** 23 March 2018